

CITY OF NOLANVILLE
ORDINANCE # 7001-B
Solicitor Ordinance

AN ORDINANCE REPEALING ORDINANCE # 7001-A REGULATING ITINERANT MERCHANTS, ITINERANT VENDORS, PEDDLERS, AND PERSONS TAKING ORDERS FOR OR OFFERING FOR SALE, GOODS, WARES, MERCHANDISE, SERVICES, PHOTOGRAPHS, NEWSPAPERS, MAGAZINES, OR SUBSCRIPTIONS TO NEWSPAPERS OR MAGAZINES AND REPLACING IT WITH AN ORDINANCE DEFINING AND REGULATING ITINERANT MERCHANTS, ITINERANT VENDORS, PEDDLERS, AND PERSONS TAKING ORDERS FOR OR OFFERING FOR SALE, GOODS, WARES, MERCHANDISE, SERVICES, PHOTOGRAPHS, NEWSPAPERS, MAGAZINES OR SUBSCRIPTIONS TO NEWSPAPERS OR MAGAZINES: PROVIDING FOR A PERMIT AND PERMIT FEE: PROHIBITING SELLING OR SOLICITING WITHOUT SECURING SUCH A PERMIT WHILE SO ENGAGED: REQUIRING SUCH PERSON OR PERSONS MAKE APPLICATION FOR LICENSE, THEREIN MAKING FULL DISCLOSURE OF ALL PERTINENT MATTERS TO SUCH ACTIVITIES: REQUIRING THOSE ENGAGED IN INTERSTATE COMMERCE TO APPLY FOR PERMIT FEE AND PROVIDE ALL PERTINENT INFORMATION TO ACTIVITIES: PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, INCLUDING A FINE NOT LESS THAN TEN DOLLARS (\$10.00) NOR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE: SAVING CLAUSE: AND REPEALING CONFLICTING ORDINANCE OR PARTS OF ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS:

- SECTION 1: Ordinance No. 7001-A is hereby repealed.
- SECTION 2: This ordinance is and shall be deemed an exercise of the police power of the State of Texas and the City of Nolanville, for the public safety, comfort, and convenience and protection of the City and citizens of the City and all provisions hereof shall be construed for the accomplishment of that purpose.
- SECTION 3: It shall be unlawful for any person to go from house to house or from place to place in the City of Nolanville, Texas soliciting, selling, taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines without having first secured an appointment with each person to be solicited, or having been invited up the premises by the owner or occupant of said private residence except as authorized in Section 8.
- SECTION 4: It shall be unlawful for any person whether by appointment or invitation of the owner or occupant of the private residence to solicit, sell, offer to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a permit to do so from the City Clerk. It shall be unlawful to sell or solicit in said City without carrying such permit while engaged in such soliciting or selling, and such permit must be shown to any citizen of Nolanville or any police officer on demand.
- SECTION 5: (A) Any person desiring to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines shall make written application to the City Clerk of the City of Nolanville, Texas for a permit to do so; said application shall include the following information:
1. Name, home address, phone number of applicant.
 2. Name and address of person, firm or corporation, if any, that he or she represents or for whom or through who orders are to be solicited or cleared.
 3. Nature of the articles or things which are to be sold or for which orders are to be solicited.
 4. Vehicle Information (make, model, year, color, plate #)

5. The registrant at the time of the registration herein provided shall submit for inspection for the City Secretary or City Clerk written proof of his identity which may be in the form of a Drivers License or Identification Card or other Government Issued ID.

(B) After required information is submitted, and after payment of required fee, a permit will be issued by the City of Nolanville.

SECTION 6: The permit fee for a solicitor, peddler, itinerant merchant, itinerant merchant, itinerant vendor, or person taking orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, shall be ten dollars (\$10.00) per day, or one hundred dollars (\$100.00) annually. Further, when any person, firm, company, partnership, corporation, or association engages, in any activity mentioned above with one or more employees shall apply for an annual permit, and shall only be permitted ten (10) employees. Each additional employee shall cost the company an additional ten dollars (\$10.00) per employee.

It is further ordered that this ordinance need not be amended when said permit fees are changed; rather, a copy of the minutes contacting the new fees will be attached to this ordinance.

A permit issued to an individual agent or employee shall not be transferred or used by any other agent or employee. The fees herein provided for shall be used for the purpose of defraying expenses incident to the issuing of said license.

SECTION 7: It shall be unlawful for any solicitor, peddler, itinerant merchant, itinerant vendor, or person taking orders for goods, wares, merchandise, services, photographs, newspapers, magazine, or subscriptions to newspapers or magazines, including persons engaged in interstate commerce, to approach a resident in the City of Nolanville, or make personal contact with any resident of a house or mobile home where a sign which bears the words "NO SOLICITING" or "NO SOLICITORS" or any other words in that fashion is displayed in an area of open view near the front entrance of said house or mobile home, or along the path of entrance to said house or mobile home.

Soliciting is only permitted during the hours of 8 a.m. – 5 p.m. Monday thru Friday and Saturday from 10 a.m. – 2 p.m. No soliciting is permitted on Sundays .

SECTION 8: (A) The provisions of this ordinance pertaining to permit, permit fees, shall also apply to persons engaged in interstate commerce as that term is herein define: the term "interstate commerce" means soliciting, selling, or taking orders for, or offering to take orders for any goods, wares, merchandise, photographs newspapers, or magazines which at the time the order is taken, are in any Federal District or Territory, and Commonwealth, or and State other than Texas or will be produced in any Federal District or Territory, any Commonwealth or any State other than Texas and shipped or introduced into this City in the fulfillment of such orders.

(B) The provisions of Section 3 of this ordinance shall not apply to persons engaged in interstate commerce as that term is defined above

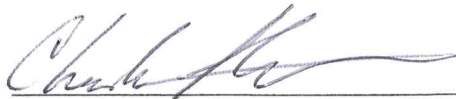
SECTION 9: Any person, firm or corporation violating any provision of this ordinance or failing to observe any provision hereof shall be deemed guilty of an misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00) and each and every day or fraction of a day in which this ordinance or any part thereof shall be deemed a separate offense and punishable as such.

SECTION 10: If any section, sentence, clause or phrase of this ordinance is for any reason held to be illegal or unconstitutional, such invalidity shall not affect the validity of the remaining portions of this ordinance.

SECTION 11: All ordinance and agreements in conflict herewith are hereby repealed.

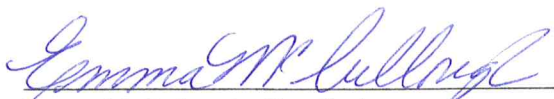
SECTION 12: This ordinance shall be effective immediately after its passage and publication according to law.

PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE TEXAS ON THE 3RD
DAY OF MARCH 2011, AT WHICH A QUORUM WAS PRESENT.

A handwritten signature in blue ink, appearing to read "Charlie L. Stewart, Sr.", written over a horizontal line.

Charlie L. Stewart, Sr., Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Emma McCullough", written over a horizontal line.

Emma McCullough, City Clerk